



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,537	11/30/2001	Huy P. Nguyen	PALM-3777	9991

7590 07/30/2003
WAGNER, MURABITO & HAO LLP
Third Floor
Two North Market Street
San Jose, CA 95113

EXAMINER

ANYASO, UCHENDU O

ART UNIT	PAPER NUMBER
----------	--------------

2675

DATE MAILED: 07/30/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

p124

Office Action Summary	Application No. 10/006,537	Applicant(s) NGUYEN ET AL.	
	Examiner Uchendu O Anyaso	Art Unit 2675	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1. ☐ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. **Claims 1-35** are pending in this action.

Claim Rejections - 35 USC ' 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1, 3, 5-9, 11-24, 26, 27 and 29-35** are rejected under 35 U.S.C. 102(b) as being anticipated by *Seager* (U.S. Patent 5,235,561).

Regarding **independent claim 1**, and for **claims 7 and 16**, Seager teaches an invention that relates to a wristwatch that can be converted temporarily to a form suitable for use as a handheld radiotelephone (column 1, lines 5-9).

Furthermore, Seager teaches how device 10 includes a display 40 (column 2, lines 13-14, figure 1 at 40).

Furthermore, Seager teaches a first keypad slider in the form of body member 20a and a second keypad slider in the form of body member 20b wherein the body member 20a comprises a keypad in the form of telephone dialing buttons 44 (column 2, lines 7-68, figure 1-4 at 20a, 20b, 44).

Art Unit: 2675

Regarding **independent claims 17 and 23**, and for **claims 18, 19, 21, 22 and 35**, Seager teaches an invention that relates to a wristwatch that can be converted temporarily to a form suitable for use as a handheld radiotelephone (column 1, lines 5-9).

Furthermore, Seager teaches how device 10 includes a display 40 (column 2, lines 13-14, figure 1 at 40).

Also, Seager teaches a data processing and transceiver modules by teaching dialing and control buttons, and radiotelephone communication device (*see* Abstract). It is inherent that such a radiotelephone communication device would include a wireless transmitter and wireless receiver in order to accomplish a radio or wireless communication.

Furthermore, Seager teaches a microphone slider 50 and a speaker slider 52 wherein the body members 20a and 20b on which the microphone slider 50 and speaker slider 52 are embedded comprise a keypad in the form of telephone dialing buttons 42, 44 (column 3, lines 10-22, figure 3, 4 at 20a, 20b, 42, 44, 50, 52).

Regarding **claims 3 and 24**, in further discussion of claims 1 and 23, Seager teaches a window in the keypad slider by teaching how device 10 includes a display 40 (column 2, lines 13-14, figure 1 at 40).

Regarding **claims 5, 15 and 26**, in further discussion of claims 1 and 23, Seager teaches dialing and control buttons within the device 10 (*see* Abstract).

Art Unit: 2675

Regarding **claims 6 and 27**, in further discussion of claims 1 and 23, Seager teaches how the keypad slider 20b is electrically coupled to the display 40 by a flexible connector (column 2, lines 54-68; column 3, lines 36-47, figures 3, 4 at 20a, 20b, 40).

Regarding **claims 8, 20 and 29**, in further discussion of claims 1, 17 and 23, Seager teaches a detent mechanism for enabling repeatable and stable extension of the handheld device (column 2, lines 54-68).

Regarding **claims 9 and 30**, in further discussion of claims 1 and 23, Seager teaches how the end closure housing (20b) would include a microphone 50 (figure 4 at 50).

Regarding **claims 11 and 31**, in further discussion of claims 1 and 23, Seager teaches how the handheld device would incorporate a speaker 52 (figure 4 at 52, column 3, lines 11-18).

Regarding **claims 12 and 32** in further discussion of claim 11 and 31, Seager teaches how the end closure housing (20b) would include a microphone 50 (figure 4 at 50).

Regarding **claims 13, 14, 33 and 34**, in further discussion of claim 1 and 23, Seager teaches a data processing and transceiver modules by teaching dialing and control buttons, and radiotelephone communication device (*see* Abstract). It is inherent that such a system would include a wireless transmitter and wireless receiver in order to accomplish a wireless communication.

Claim Rejections - 35 USC ' 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 2, 10 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Seager* (U.S. Patent 5,235,561) in view of *Gray* (U.S. 5,440,629).

Regarding **claim 2** and **28**, in further discussion of claims 1 and 23, Seager teaches how device 10 includes a display 40 (column 2, lines 13-14, figure 1 at 40). However, Seager does not teach how the keypad sliders are configurable to fully cover a display surface. On the other hand, Gray teaches a first keypad slider 48 and a second keypad slider 50 in the form of end enclosures that are adaptable to fully cover the display surface 14 (column 5, lines 47-51, figure 2 at 48, 50).

Thus, it would have been obvious to a person of ordinary skill in the art to combine Seager and Gray's inventions because while Seager teaches how device 10 includes a display 40 (column 2, lines 13-14, figure 1 at 40), Gray teaches a first keypad slider 48 and a second keypad slider 50 in the form of end enclosures that are adaptable to fully cover the display surface 14 (figure 1, 2 at 14, 48, 50).

Regarding **claim 10**, in further discussion of claim 9, Seager does not teach a voice recognition processor. On the other hand, Gray teaches how voice recognition would be incorporated into the system (column 8, lines 29-35, figure 11 at 152, 160, 162).

Art Unit: 2675

Thus, it would have been obvious to a person ordinary skill in the art to combine Seager and Gray's inventions because while a Seager teaches a microphone slider 50 and a speaker slider 52, Gray teaches how voice recognition would be incorporated into the system (column 8, lines 29-35, figure 11 at 152, 160, 162). The motivation for combining these inventions would have been to facilitate a robust and efficient communication by a user of the radiotelephone.

6. **Claims 4 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Seager* (U.S. Patent 5,235,561)

Regarding **claims 4 and 25**, in further discussion of claims 1 and 23, Seager does not teach a window within a second keypad slider. On the other hand, Seager teaches a window in the keypad slider by teaching how device 10 includes a display 40 (column 2, lines 13-14, figure 1 at 40).

Thus, it would have obvious to a person of ordinary skill in the art to learn from the design methodology of the first keypad slider in order to include a display in the second display slider. The motivation for doing so would have been to display multiple features on the second display.

Response to Arguments

7. Applicant's amendment and arguments filed May 19, 2003 have been fully considered but they are not persuasive.

Applicant amended independent claims 1 and 23 to include the feature of the keypad slider comprising a keypad. Applicant then argues that Gray fails to teach this feature because Applicant alleges that Gray teaches away from the slider comprising a keyboard. In response to

Art Unit: 2675

applicant's amendment, Seager was used to reject these claims because Seager teaches all the features of claims 1 and 23, including the newly added amendment.

Specifically, Seager teaches a first keypad slider in the form of body member 20a and a second keypad slider in the form of body member 20b wherein the body member 20a comprises a keypad in the form of telephone dialing buttons 44 (column 2, lines 7-68, figure 1-4 at 20a, 20b, 44).

Similarly, Applicant amended independent claim 17 to include the feature of a wireless telephone comprising a microphone slider and a speaker slider wherein one of the microphone slider and the speaker slider comprise a keypad. Applicant then argues that Gray fails to teach this feature because Applicant alleges that Gray teaches away from the slider comprising a keyboard. In response to applicant's amendment, Seager was used to reject these claims because Seager teaches all the features of claim 17, including the newly added amendment.

Specifically, Seager teaches a microphone slider 50 and a speaker slider 52 wherein the body members 20a and 20b on which the microphone slider 50 and speaker slider 52 are embedded comprise a keypad in the form of telephone dialing buttons 42, 44 (column 3, lines 10-22, figure 3, 4 at 20a, 20b, 42, 44, 50, 52).

As such, applicant's amendments and arguments are not persuasive.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2675

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uchendu O. Anyaso whose telephone number is (703) 306-5934. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras, can be reached at (703) 305-9720.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Application/Control Number: 10/006,537

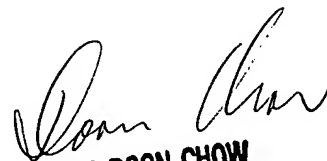
Page 9

Art Unit: 2675

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


Uchendu O. Anyaso

7/26/2003


DENNIS-DOON CHOW
PRIMARY EXAMINER